

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

vs.

ROBERT L. AYERS, Jr.,  
Warden of San Quentin  
State Prison,

Respondent.

No. CIV S-97-0152 WBS KJM

DEATH PENALTY CASE

ORDER

Respondent seeks reimbursement for the expenses incurred for his copy of the court reporter's transcript of the evidentiary hearing held April 23 through May 2, 2007.

Respondent cites as authority only Local Rule 81-191(k) for this novel proposition. Rule 81-

191(k) states that the court will "provide" evidentiary hearing transcripts to petitioner and

respondent. The rule does not specify who shall pay for copies of the transcripts. Federal rules

require that the United States pay the costs of transcripts in a section 2254 proceeding only for

parties proceeding in forma pauperis. 28 U.S.C. §§ 753(f), 1915(c). While the State of

California may be experiencing a severe budget deficit, it is not to this court's knowledge

proceeding in forma pauperis.

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1                   Accordingly, and good cause appearing, IT IS HEREBY ORDERED that  
2 respondent's December 20, 2007 application for payment of expenses is denied.

3 DATED: January 11, 2008.

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6 U.S. MAGISTRATE JUDGE  
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